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on February 12, 2007

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ELECTION UNDER 35 U.S.C. §121
Examining Group 1635
Patent Application
Docket No. USF-212XZ1T
Serial No. 10/709,801

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Jane J. Zara
Art Unit : 1635
Applicants : Caroline Despons, Joseph Wahle, John M. Ninos, William G. Kerr
Serial No. : 10/709,801
Filed : May 28, 2004
For : Inhibition of SHIP to Enhance Stem Cell Harvest and Transplantation

MS AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION UNDER 35 U.S.C. §121

Sir:

In response to the written restriction requirement dated January 11, 2007, the applicants hereby elect with traverse to prosecute the Group I claims, *e.g.*, claims 1-3, drawn to a method of increasing the yield of stem cells in a patient *in vivo* for autologous transplantation. The applicants further elect RNA interference compound (claim 2) as the single inhibitor and hematopoietic stem cell (claim 3) as the single cell type.

In view of the applicants' election of Group I, which is drawn to an *in vivo* method, it is submitted that the examination of the various stem cell types would not create an undue search or examination burden on the Examiner or the Patent Office. Therefore, the applicants request that the stem cell types be examined together in the subject application. Alternatively, if this aspect

of the Restriction Requirement is to be maintained, the applicants request that the stem cell types be treated as patentably distinct species such that, upon allowance of a generic claim, the applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 C.F.R. §1.141.

A Preliminary Amendment is being submitted with this Election. New claim 18 reads on the elected invention.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



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Attachment: Preliminary Amendment